IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 482 of 2007

(CRIME NO. 180/2005 OF PULPALLY POLICE STATION)

PETITIONER: ACCUSED

VARAKIL KUNJU, S/O GOPALAN,
VARAKIL HOUSE, PAYYAMPILLY P.O.,
MANANTHAVADY, WAYANAD DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS: COMPLAINANT & STATE

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.482 of 2007

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of Crime No.180 of 2005 of Pulpally Police Station against the petitioner are hereby quashed.

(R.BASANT, JUDGE)

rtr/-